

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Donald W. NEES and Evelyn NEES, H/W	:	
	:	
v.	:	
	:	C.A.No. 2:02 CV 04708 JRP
Rockwell International, Inc., F/K/A Allied	:	
Signal, Inc., Successor in Interest to	:	
Bendix Corporation	:	
_____	X	

ORDER

_____ This Court has previously administratively dismissed this case pending the determination of certain issues by the Bankruptcy Court. Those issues having now been resolved, this case is hereby reinstated for the purpose set forth herein.

This case was originally filed in the state court and subsequently removed to the United States District Court for the Eastern District of Pennsylvania. The removal was predicated upon the theory of "related to" bankruptcy jurisdiction, vis-a-vis the bankruptcy filing in the United States District Court for the District of Delaware by Federal Mogul Corporation or the bankruptcy filing by Armstrong World Industries. A large number of similar cases were directly transferred or removed to the Bankruptcy Court in Delaware the Third Circuit designated the Honorable Alfred M. Wolin as the presiding judge. Having completed an extensive briefing and hearing process, Judge Wolin, on February 8, 2002, issued his ruling that the Bankruptcy Court lacked jurisdiction in these matters and thereupon ordered their transfer back to the various state courts. The order was appealed to the United States Court of Appeals for the Third Circuit and on July 31, 2002, Judge Slovitor issued the Court's opinion upholding Judge Wolin's decision. The Supreme Court denied cert and all avenues for appeal appear to have been exhausted by the parties.

The action before this Court is similarly situated with regard to its removal from the state court. The Court can find no reason not to comply with Judge Wolin's decision as it relates to the removal of this case to the federal court.

IT IS ORDERED that this case is hereby reinstated and remanded to the State of Pennsylvania Commonwealth Court from whence it was removed to this Court.

DONE this 4th day of February, 2003.

BY THE COURT

Charles R. Weiner S.J.